

WORKMEN'S COMPENSATION AND UNEMPLOYMENT INSURANCE

*Exchange of notes at San Salvador September 24, 28, and 29, 1943
Entered into force September 29, 1943*

Department of State files

The American Ambassador to the Minister of Foreign Affairs

No. 167

SAN SALVADOR, September 24, 1943

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note no. A.850.5 D.2087, dated September 23, 1943, in which Your Excellency requests confirmation of the interpretation of the Salvadoran authorities of the proposal submitted in the Embassy's urgent note no. 124 of August 10, 1943, with respect to compensation benefits for American citizens employed on projects in certain other countries.

In reply I take pleasure in stating with respect to the points mentioned in Your Excellency's note that:

1. Public Law 208, 77th Congress,¹ as amended by Public Law 784, 77th Congress,² has provided a mandatory and uniform system of compensation benefits for American nationals employed by contractors in foreign countries on or in connection with United States Government projects. The purpose of this legislation is to insure that all American workmen engaged outside the United States on these Government projects will be treated equally and, since such American workmen have rights under the compensation acts of the foreign country in which they are working, to preclude the possibility, in the absence of some arrangement with that foreign country, than an American workman might collect double benefits;

2. It is hoped, therefore, that arrangements can be made with the Government of El Salvador whereby the legislation above described will become the exclusive remedy for workmen's compensation in the case of injury or death in the case of American employees of American contractors with the United States Government; and

¹ 55 Stat. 622.

² 56 Stat. 1028.

3. These arrangements also provide that since the insurance furnished to the American employers is written by American companies, the Salvadoran Government would permit American insurance companies to service the insured risks involved, by furnishing claim adjusters and safety engineers, and maintain any facilities that might be necessary solely for that purpose.

It is trusted that the three preceding enumerated paragraphs answer the questions contained in Your Excellency's esteemed note.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

WALTER THURSTON
American Ambassador

His Excellency
Dr. ARTURO RAMÓN AVILA
Minister of Foreign Affairs

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF EL SALVADOR, C. A.

DIPLOMATIC SECTION
A-850.5-D-2136

NATIONAL PALACE
SAN SALVADOR, *September 28, 1943*

MR. AMBASSADOR:

I have the honor again to refer to your esteemed notes nos. 124 and 158 dated August 10 and 14 of this year, regarding compensation benefits for American citizens employed on projects in certain other countries, about which Your Excellency was good enough to state, in your note addressed to me on the twenty-fourth of this same month:

[For text, see numbered paragraphs in U.S. note, above.]

In this connection, I am pleased to inform you that my Government accepts the proposal of Your Excellency's Government that North American workmen and employees which it employs in this Republic to carry out projects of construction and other operations, shall be protected exclusively by Public Law 208 as amended by Law 784, both enacted by the 77th Congress of the United States, with respect to compensation for accidents or death in performing work on which they are engaged, regarding which my Government will admit no claim, and it will gladly permit American companies to service the insured risks involved, by furnishing claim adjusters and safety engineers, as well as to maintain any facilities that might be necessary solely for that purpose.

By the present note and the reply that Your Excellency will be so good as to make thereto, my Government will consider the arrangement proposed in the matter by Your Excellency's Government to be in force.

I renew to Your Excellency the assurances of my highest and most distinguished consideration.

A. R. AVILA

His Excellency WALTER THURSTON,
*Ambassador Extraordinary and
Plenipotentiary of the United
States of America.*

The American Ambassador to the Minister of Foreign Affairs

No. 170

SAN SALVADOR, *September 29, 1943*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's esteemed note no. A-850.5-D-2136, dated September 28, 1943, stating that the Government of El Salvador accepts the proposal of the Government of the United States that Public Law 208, 77th Congress, as amended by Public Law 784, 77th Congress, shall become the exclusive remedy for workmen's compensation in the case of American employees of American contractors with the United States Government operating in El Salvador, and will permit American insurance companies to service the insured risks involved by furnishing claim adjusters and safety engineers, and to maintain any facilities that might be necessary solely for that purpose—as set forth in this Embassy's note no. 167 of September 24, and Your Excellency's note under acknowledgment.

Assuring Your Excellency that this renewed evidence of the spirit of co-operation which animates the Government of El Salvador will be deeply appreciated by my Government, I avail myself of the opportunity to renew the assurances of my highest and most distinguished consideration.

WALTER THURSTON
American Ambassador

His Excellency
Dr. ARTURO RAMÓN AVILA
Minister of Foreign Affairs